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OFFICE OF PETITIONS

In re Application of
Henry Samueli et al.
Application No. 09/620,919
Filed: July 21, 2000
Attorney Docket No. 13470US02

ON PETITION

This is a decision on the petition filed May 11, 2009 which is being treated under 37 C.F.R. 1.705(d).

The petition is **DISMISSED**.

The petition requests that the USPTO re-categorize the present application as an ordinary continuation application (and not as a reissue application); recalculate the Determination of Patent Term Extension in view of re-categorizing the present application as an ordinary continuation application.

Petitioners are advised that this application has been re-categorized as a continuation of application no. 09/252,551 and application 09/252,551 is a re-issue of 08/398,759 now patent no. 5,604,741.

Applicant, however, is not entitled to Patent Term Extension (PTE) under 35 USC 156 and 37 CFR 1.710 since the subject of the patent application has not been subject to a regulatory review period before its commercial marketing or use. Also, applicant is not entitled to Patent Term Adjustment (PTA) under 35 USC 154 and 37 CFR 1.702 since only an original patent can get PTA and the present application is a continuation of a reissue. Thus the term of the present application is the term of the original patent 5,604,741.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.


Anthony Knight
Director
Office of Petitions